

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

David Elliott
Kristine Elliott

Chapter 13
Case No: 19-43114
JUDGE: THOMAS TUCKER

Debtor(s)

DEBTORS' OBJECTION TO PROOF OF CLAIM # 4 OF
AMERICAN HONDA FINANCE CORPORATION

NOW COME David and Christine Elliott, Debtor(s) herein, by and through their attorney, DANIELA DIMOVSKI, ATTORNEY AT LAW, P.C., and in objection to the Proof of Claim filed by AMERICAN HONDA FINANCE CORPORATION, Creditor, states as follows:

1. Debtor(s) herein finds authority for this objection pursuant to 11 U.S.C. 502, Fed. R. Bankr. P. 3007 and Local Bankruptcy Rule 3007-1(E.D.M.)
2. Creditor herein filed a Proof of Claim, dated MARCH 18, 2019, claiming a secured claim in the amount of \$20,293.57 for a lease of a 2017 Honda HR-V.
3. Creditor's proof of claim states a pre-petition arrearage of \$157.74.
4. Debtors assert they are current on the obligation.
5. Creditor is **not** entitled to any payment as the Debtors are current.
6. Debtors assert that the Trustee shall not pay AMERICAN HONDA FINANCE CORPORATION on its claim as it will result in a windfall to Creditor.

WHEREFORE, Debtors herein pray this Court grant Debtors' Objection to the Proof of Claim of AMERICAN HONDA FINANCE CORPORATION, disallow the claim of Creditor herein in its entirety as filed, deem Debtors current and award Debtor such other and further relief as this Court deems appropriate and just.

Respectfully submitted,

DANIELA DIMOVSKI, ATTORNEY AT LAW, P.C.

By: /s/ Daniela Dimovski
DANIELA DIMOVSKI (60278)
Attorneys for Debtor
44200 Garfield Rd. Suite 124
Clinton Township, MI 48038
586-738-6329
danieladimovski@gmail.com

Dated: 4-10-19

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**ORDER GRANTING OBJECTION TO CLAIM# 4 OF
AMERICAN HONDA FINANCE CORPORATION**

Upon the Objection to Claim # 4 of AMERICAN HONDA FINANCE CORPORATION, Notice of Objection, Proof of Service and subsequent Certification that no responses were filed, and pursuant to L.B.R. 3007-1(c)(E.D.M.); no response having been filed by Creditor, and the Court having been otherwise fully advised in the premises:

IT IS HEREBY ORDERED that the claim #4 of AMERICAN HONDA FINANCE CORPORATION, Creditor, herein, is hereby disallowed in its entirety as filed.

IT IS FURTHER ORDERED that Debtor(s) are current.

IT IS FURTHER ORDERED that the Trustee is not obligated to recoup any funds previously disbursed to this Creditor.

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Debtor(s)

**NOTICE OF OBJECTION TO PROOF OF CLAIM # 4 of
AMERICAN HONDA FINANCE CORPORATION**

Debtor(s) has an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified or denied. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (if you do not have an attorney, you may wish to consult one.)

If you do not want the court to deny or change your claim, then on or before 7 days prior to said hearing date, you or your attorney must:

1. File with the court a written response to the objection, explaining your position at:¹

United State Bankruptcy Court
ATTN: Bankruptcy Clerk
211 W. Fort Street,
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before 7 days prior to said hearing date

You must also mail a copy to:

Daniela Dimovski, Attorney at Law, P.C.
44200 Garfield Rd. Suite 124
Clinton Township, MI 48038
586-738-6329

Chapter 13 Trustee
535 Griswold, Suite 2100
Detroit, MI 48226
313-967-9857

2. Attend the hearing on the objection, scheduled to be held on **MAY 23, 2019 at 11:00 a.m.** in Courtroom 1925 United States Bankruptcy Court 211 West Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Respectfully submitted,

DANIELA DIMOVSKI, ATTORNEY AT LAW, P.C.

By: /s/ Daniela Dimovski
DANIELA DIMOVSKI (60278)
Attorneys for Debtor
44200 Garfield Rd. Suite 124
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¹ Response or answer must comply with F.R.Civ. P. 8(b), (c) and (e)